

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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REBECCA SMITH,

Plaintiff,

-against-

**ORDER**

**23-CV-9944 (LAK) (JW)**

PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY *et al.*,

Defendant.

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**JENNIFER E. WILLIS, United States Magistrate Judge:**

On February 7, 2024, the Court held an Initial Case Management Telephone Conference. Dkt. No. 23. The Parties discussed how to best clarify that the Title VII and ADEA claims referenced in the original Complaint are not intended to be asserted against Defendant Hannell. The Court directed the Plaintiffs to file an Amended Complaint removing those claims within seven days.

On February 14<sup>th</sup>, Plaintiff properly filed her Amended Complaint. Dkt. No. 20. Because there was no written record granting the Plaintiff leave to amend, when the Amended Complaint was filed, docket services duly issued a notice that there was a “filing error – deficient pleading – FRCP Rule 15 non-compliance...the order granting permission to file the pleading was not attached.” See Dkt. No. 20. Importantly, the notices to attorneys are for the attorneys' benefit and are issued by docket services. They are not orders from the Court. There would be no way for docket services to know leave to amend had already been granted.

Since leave to amend had been granted, there is nothing deficient about Plaintiff's Amended Complaint, and the notice can be disregarded.

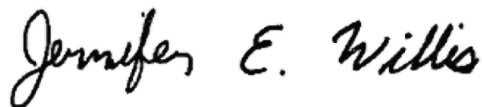
Nevertheless, on February 15<sup>th</sup>, the Plaintiff submitted a letter asking that the Amended Complaint be disregarded since the "original complaint...was and is clear."

The Court notes that at the ICMC, the Parties had an entire discussion about how Defendants were prepared to move to dismiss claims Plaintiff asserts are "clearly" not in the Complaint. To save everyone time, the Court then made a ruling that Plaintiff was to amend the Complaint and clarify her claims. Clearly, the original complaint was not clear. What is certainly clear is that we are retreading old ground. This was already discussed and decided.

Therefore, the Court deems Plaintiff's Amended Complaint at Dkt. No. 20 to be properly filed. The Defendants shall have until **March 25<sup>th</sup>** to Answer or otherwise respond to the Amended Complaint.

SO ORDERED.

DATED: New York, New York  
March 4, 2024

A handwritten signature in black ink that reads "Jennifer E. Willis". The signature is written in a cursive, flowing style.

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JENNIFER E. WILLIS  
United States Magistrate Judge